

5
6 INQUIRY CONCERNING A JUDGE
7 NO. 04-455, JUDGE JOHN R. SLOOP

9 Altamonte Springs, Florida

10 September 22, 2005

11 2:45 p.m.

12 DEPOSITION OF:

13 DAVID W. ROBERTS

14

1 A P P E A R A N C E S:

2 LAURI WALDMAN ROSS, ATTORNEY AT LAW
 3 Two Datran Center
 4 9130 South Dadeland Boulevard
 5 Suite 1612
 6 Miami, Florida 33156

7 Appearing on behalf of the Florida
 8 Judicial Qualifications Commission.

9 MARC L. LUBET, ESQUIRE
 10 209 East Ridgewood Street
 11 Orlando, Florida 32801

12 Appearing on behalf of John R. Sloop.

13 JOHN LARRY HANKS, ESQUIRE
 14 105 East Robinson Street
 15 4th Floor
 16 Orlando, Florida 32801

17 Appearing on behalf of the Deponent.

18 - - - - -

19 I N D E X

20 TESTIMONY OF DAVID W. ROBERTS:

21	Direct Examination by Ms. Ross	3
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26 E X H I B I T S

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1 The deposition of DAVID W. ROBERTS
2 was taken on Thursday, September 22, 2005,
3 beginning at 2:45 p.m., at the office of
4 Marge Raeder Court Reporter, Inc., 999
5 Douglas Avenue, Suite 3307, Altamonte
6 Springs, Florida, before Margaret L. Raeder,
7 Certified Electronic Reporter and Transcriber,
8 Notary Public, State of Florida at Large.

9 - - - - -

10 Whereupon,

11 DAVID W. ROBERTS,
12 having been first duly sworn by the reporter, testified
13 as follows:

14 DIRECT EXAMINATION

15 BY MS. ROSS:

16 Q Could you state your full name, please?

17 A David W. Roberts.

18 Q And your address?

19 A 559 Tabatha Drive, Osteen, Florida.

20 Q And your telephone number, please?

21 A 407/467-2583.

22 Q Are you currently employed?

23 A Yes.

24 Q By whom?

25 A Self.

1 Q Are what is it that you do?

2 A I'm a State Certified Building Contractor.

3 Q Where are you based?

4 A All over Central Florida.

5 Q Okay. I have here your traffic ticket dated
6 10/01/04. Do you want to see?

7 MR. HANKS: Do you want it to be marked?

8 MS. ROSS: Yes.

9 THE REPORTER: A, as well?

10 MS. ROSS: Yes.

11 MR. HANKS: She'll give it back to us.

12 [Whereupon, the document referred to was
13 marked for identification as Exhibit A.]

14 BY MS. ROSS:

15 Q And could you tell us how that ticket came
16 about?

17 A I live on the St. John's River and I have an
18 airboat. And I think that day we went for a ride on
19 the airboat. We had three people in the boat and I
20 only had two life jackets. I was one life jacket
21 short. Because actually we have a waverunner, too, and
22 I had took one out and put it in the waverunner. And
23 that's how I got the ticket.

24 Q Okay. And who was it issued by?

25 A It was a Seminole County Water -- I think it

1 was -- it wasn't the Game -- I think it was the
2 Seminole County -- it was the sheriff's department,
3 Seminole County Sheriff's Department who gave me this.
4 I think was on the river that day.

5 Q Okay. Where is it that the ticket indicated
6 you were supposed to go to report to court?

7 MR. HANKS: Look at your ticket.

8 THE WITNESS: Yeah. It says it on here. On
9 this ticket?

10 MS. ROSS: Yeah.

11 THE WITNESS: It doesn't say it on here I
12 don't think. They sent me a thing in the mail.

13 BY MS. ROSS:

14 Q Okay. Does the ticket indicate to you a
15 location --

16 A No.

17 Q -- to return to court?

18 MR. HANKS: You want to look closely.

19 THE WITNESS: Does it?

20 MR. HANKS: Yeah. I'm going to give you
21 mine.

22 BY MS. ROSS:

23 Q You got some glasses you need?

24 A Oh, oh. Are you saying where I don't have to
25 go to court?

1 Q No. The address where you were told to show
2 up.

3 A Oh. 301 Park Avenue, Sanford, Florida.

4 Q Yes.

5 A Okay.

6 Q Okay. Did it indicate a courtroom?

7 A No.

8 Q What was it you got in the mail?

9 A What it is they sent me in the mail, it's a
10 -- it was a pink card like an index card, you know, a
11 four -- say, four inches by six inches. It was a pink
12 or an orange card. Okay. It says on there it says if
13 I don't call the Seminole County Courthouse, I would
14 lose my driver's license. That's exactly what it said.
15 It said to call them. Well, I called them and that's
16 -- they told me to go there to that courtroom.

17 Q Okay. Just so we're clear. You got a notice
18 in the mail of some type of pink or orange card?

19 A It's a card; yeah. It was a card.

20 Q And did it tell you that you had to show up
21 at court?

22 A Yes.

23 Q Did it tell you where to go?

24 A No.

25 Q Did it just indicate a courthouse?

1 A Yes. It said call.

2 Q And did you make the phone call?

3 A Yes.

4 Q What were you told to do?

5 A They told me -- I called and said: I got
6 this in the mail.

7 They told me: Okay. Well, go to the
8 courtroom on -- you know, I think it had a date on it -
9 - I think -- yeah. It had a date on it.

10 I don't think it had a date on it or nothing.
11 They told me the date and the courtroom to go to and
12 that's when we went to the Seminole County -- the new
13 courthouse.

14 Q Now, the new courthouse is the same as the
15 one on that ticket or not?

16 A No. This -- this is a different one here.

17 Q Yeah.

18 A This is down here in Sanford.

19 Q Now, the courthouse that you ended up going
20 to was different from the one that you were ticketed
21 for?

22 A Right. Exactly.

23 Q Now, when you went down to the courthouse
24 after your phone call, how did you know which courtroom
25 to go to?

1 A When I made the phone call, they told me.
2 Now, when I went to the, you know, the place that they
3 -- when you walk in the door, you know, and you tell
4 them you're here for this and this and this is the
5 courtroom they told me to go to and the guys at the
6 front door told me where to go.

7 Q And did you follow the directions --

8 A Yes.

9 MR. HANKS: Let her finish her question.

10 BY MS. ROSS:

11 Q You have to wait for me finish; okay?

12 A Okay.

13 Q Number one. The person you spoke to at the
14 door or the courthouse was that a person a uniformed --

15 A Yes.

16 Q -- deputy?

17 A Cop or whatever they are there.

18 Q Okay. And did you follow the uniformed
19 deputy's instructions as to where to go?

20 A Yes.

21 Q What did you -- where -- what did you do
22 after he gave you the instructions?

23 A I went directly to the courtroom he told me
24 to go to.

25 Q What time did you get there?

1 A I was there probably -- I was waiting there
2 15 to 20 minutes because we had to be there at nine
3 o'clock, I think. I was there at, like eight --
4 eight --

5 Q So you were there early?

6 A 20 minutes early at least.

7 Q Why were you there early?

8 A Well, I'm not going to be late. It said I
9 was going to lose my driver's license, you know.
10 That's enough for me. I've never lost my driver's
11 license in my life.

12 Q Have you ever been arrested before in your
13 life?

14 A Yes. I have.

15 Q Okay. Prior to that day?

16 A Yes.

17 Q How many times?

18 A When I was younger. Maybe once or twice -- a
19 couple times for foolish things.

20 Q When you say foolish things --

21 A Kid stuff.

22 Q Okay. When you got there -- well, let's put
23 it this way. None of the foolish things you did in
24 your youth kept you from getting a license as a
25 contractor?

1 A No.

2 Q Okay.

3 A I have no felony charges.

4 Q Oh.

5 A Okay.

6 Q So when you went to the courthouse -- when
7 you went to the courthouse, how long did you sit in the
8 courthouse -- in the courtroom you were directed to by
9 the deputy before you realized there was a problem?

10 A We were at least in there until -- it was,
11 like, twelve o'clock or something. I'm pretty sure of
12 it. He was about done --

13 Q When you say --

14 A -- with his docket.

15 Q -- he was about done --

16 A The Judge.

17 Q -- you talking about Judge Eriksson?

18 A Yes.

19 Q Okay. Different judge.

20 A Yes.

21 Q And what was it that came to your attention
22 that made you realize you were in the wrong place?

23 A He said he had too many people. There was a
24 bunch of us left.

25 Q And you weren't listed on his docket?

1 A No. Then he started calling our names out
2 and we wasn't on his docket.

3 Q Okay. What happened next?

4 A I believe then he sent one of the deputies
5 that work in there to the courtroom next door and then
6 I -- then he come back and then they told us to go to
7 that courtroom.

8 Q Okay. Before the deputy went next door and
9 came back, were you aware that there were two
10 courtrooms going on simultaneously?

11 A Huh-uh. No. I went straight to the
12 courtroom I was told to go to.

13 Q And when the judge realized there were too
14 many people in his courtroom, did he ask to examine
15 your tickets?

16 A No.

17 Q Did any deputy come down and look at your
18 tickets or paperwork?

19 A No.

20 Q Did anybody call out or ask you what was on
21 your tickets?

22 A No.

23 Q So as far as you remember, the only thing
24 that happened is that the judge realized you were not
25 on his docket, sent somebody next door to find out what

1 was going on --

2 A Um-hum.

3 Q -- and that person came back?

4 A Um-hum. Yes.

5 Q Okay. Did you leave single-file or did you
6 all leave together?

7 A Pretty much we left all about -- walked out
8 about the same time.

9 Q Okay.

10 A You know, we was all in -- you know, we just
11 went from there next door.

12 Q Did you stop or did you go immediately to the
13 next courtroom?

14 A Immediately.

15 Q Okay. Do not pass Go; right?

16 A Exactly.

17 Q Okay.

18 A I was still worried about losing my license.

19 Q Okay. When you got to the next courtroom was
20 it locked?

21 A Yes. It was. I think the door was -- yes.
22 Yes. It was.

23 Q Okay. And what happened?

24 A One of the deputies from inside opened it up.

25 Q Okay. And then what happened?

1 A We went in and then we all went up there and
2 they told us to sit in the front of the room, all of us
3 to the left there. They sat us all together in two
4 rows, up front to the -- like, the left-hand side. And
5 we were just sitting there for a little bit.

6 Q First, we've got to go slow, a little bit by
7 little bit. When you got there and it was locked and
8 somebody opened it for you --

9 A Um-hum.

10 Q -- did the person who opened it for you say
11 anything?

12 A No. Go to the front and take a seat.

13 Q Okay. Didn't say anything about you're late,
14 too bad, go away --

15 A No.

16 Q -- nothing like that?

17 A Nothing.

18 Q Court's over?

19 A No.

20 Q Okay. So they unlock the door, you go in and
21 that person tells you to take a seat in the front?

22 A Yes.

23 Q Do you remember whether it was a man or a
24 woman?

25 A It was a man.

1 Q Okay. And when you got in and took a seat,
2 how many people were there in the courtroom that were
3 court personnel as opposed to the people that you came
4 in with?

5 A There was a bunch of them when we went in.
6 Well, at first when we went in at that time, was there
7 -- let me think for one second. When we walked in --
8 yeah. There was more than two when we first walked in
9 and then they started filtering in as we were sitting
10 there.

11 Q Okay. Was there more than one deputy?

12 A Yes.

13 Q Okay. Describe them for me. Male, female?

14 A Male. He was an older gentleman. I think he
15 had gray hair and he was wearing glasses.

16 Q Okay.

17 A And the other one that did -- I kind of knew
18 him. He went -- he was a shorter guy, kind of chunky
19 and kind of bald in the front. He works with Judge
20 Sloop, you know, because I went to school with him.

21 Q Do you know what his name was?

22 A I cannot remember it.

23 Q Was it Mike Kennedy?

24 A I think that's it right there.

25 Q Okay. Was there an Asian woman or an

1 Oriental woman?

2 A Yes. There was.

3 Q Was she the person who opened the door or was
4 -- did somebody else?

5 A For me it was a guy.

6 Q Okay. And did the -- the woman make any
7 comments to you, like: It's too late?

8 A No. They let us in.

9 Q Okay. Who directed you to sit at the front?

10 A The man did.

11 Q The older man?

12 A Yes.

13 Q Then what happened?

14 A We all sat to the front. We sat there for a
15 little bit and then, you know, to the right of the
16 chambers there. Then the cops started filtering in,
17 probably -- I don't know how many then, ten or --

18 Q Were there any people sitting behind the
19 computer?

20 A I can't remember that. Is that upfront where
21 the judge is?

22 Q Um-hum.

23 A No. There was nobody there.

24 Q Or off to the side?

25 A Yes. I think there was a woman.

1 Q Okay. Somebody who looked like they might be
2 a court clerk --

3 A Yes.

4 Q or somebody like a court reporter --

5 A Right. Exactly.

6 Q -- taking things down?

7 A Right. Exactly.

8 Q Somebody like that?

9 A Yes.

10 Q Okay. Was anybody talking to the group of
11 people you came in with?

12 A No. They just told us to sit.

13 Q Okay. Did anybody explain to you what was
14 going on?

15 A No.

16 Q When was the first time that you learned that
17 there was a problem?

18 A Well, when they started shackling me up. I
19 thought, something's wrong here.

20 Q Well, you were with a whole group of people.
21 Did people start complaining or protesting or asking
22 what was going on?

23 A Yeah. Basically the women, too, because they
24 had kids they had to pick up. That was a big ordeal I
25 could have seen. Because they -- they chained their

1 legs and their wrists together. And that was it. You
2 know, I mean, there was nothing we could do then. I
3 knew we were going to jail.

4 Q Did anybody ask to see the Judge?

5 A Yes.

6 Q Okay. And what happened?

7 A He wouldn't come out.

8 Q How did you know he wouldn't come out?

9 A The guy's -- the guy's name --

10 Q Mike Kennedy.

11 A Yes. He said he wouldn't.

12 Q Okay. So Mike Kennedy, did he go back in the
13 back --

14 A Uh-huh.

15 MR. HANKS: Yes.

16 THE WITNESS: Yes. He did.

17 BY MS. ROSS:

18 Q He went back in the back and then he came
19 back out. What was it to the best of your memory he
20 told you?

21 A When he come back out, he said it was Judge's
22 orders and that's what they had to do.

23 Q Okay. And the Judge wasn't coming in?

24 A No.

25 Q Okay. At that point did a whole bunch of

1 deputies descend on you?

2 A Yes.

3 Q Okay. Approximately how many?

4 A At least 15.

5 Q What was the atmosphere in the courtroom?

6 A Nothing but chains and crying and it -- it

7 was crazy --

8 Q Okay.

9 A -- you know.

10 Q Do you remember something happening with a

11 minor?

12 A No. I do not.

13 Q That's --

14 A Oh, the girl?

15 Q Yeah. It was a girl there.

16 A Yeah.

17 Q And the girl was let go. Do you know how

18 that came about?

19 A No. I don't.

20 Q Do you remember anybody saying anything about

21 the fact that there was a minor present?

22 A No.

23 Q Okay. Once you were chained, okay, what

24 happened next?

25 A They took us out of the judge's down the

1 hallway out there and then they started taking all of
2 our, you know, whatever we had on us, our wallets, our
3 watches and so on. Then took us to the back and took
4 us to the van and transported us from the van to the
5 jail.

6 Q How long a period of time did you spend at
7 the courthouse before you were transported?

8 A Probably an hour maybe.

9 Q Okay. Could it have been shorter, longer?

10 A Yeah. It was -- it might have even been 30
11 minutes. It wasn't too long, you know what I mean? I
12 mean, they went back there and took our stuff and just
13 as quick as they could take our stuff and get us in the
14 van, you know.

15 Q And the van that you were in, were you kept -
16 -were there people in addition to the people who were
17 in the courtroom at Judge Sloop's?

18 A Yes. There were some other people in there.
19 I have no clue who it was.

20 Q Was the van all male?

21 A Yes.

22 Q And where were you taken on the van?

23 A To jail.

24 Q How long a period of time did you spend --
25 well --

1 A In the van?

2 Q -- let me back up a second.

3 How long did you spend on the van?

4 A About five minutes.

5 Q Then what happened?

6 A Then they took us to the jail and then they
7 took us in through the jail. Then they took us right
8 in and put us in the holding room, in a holding cell
9 all of us together in the first holding cell.

10 Q And then what happened?

11 A Nothing. We sat there.

12 Q Okay. At what point did you get searched?

13 A Well, about -- probably around, you know,
14 about twelve -- I'd say about four or five o'clock that
15 -- maybe about 3:00, 4:00, 5:00 in there somewhere.
16 Then they started taking us out and searching us and
17 putting us in a single cell, like, one or two per cell.

18 Q So that happened 3:00, 4:00, 5:00 in the
19 afternoon?

20 A Yeah. Somewhere around there, I think.

21 Q I understand you were strip-searched?

22 A Yes.

23 Q When did that happen?

24 A When they took us out of the first holding
25 cell to take us to the second holding cell.

1 Q But all at the jail?

2 A Yes.

3 Q And do you know approximately when this
4 occurred?

5 A I'd say around five o'clock when we were
6 strip-searched. I'd say somewhere around there. It
7 was hard. I didn't have no --

8 Q Time. You didn't have any watch?

9 A Yeah. You didn't have no clock in there. I
10 mean, once you got arrested at 12:00, that was it. You
11 know no time after that.

12 Q Okay. How late did you stay in jail that
13 day?

14 A I think about eleven o'clock that night.

15 Q Okay. And you were fingerprinted?

16 A Yes.

17 Q Photographed?

18 A Yes.

19 Q Booked?

20 A Yes.

21 Q And put in the holding cell?

22 A Yes.

23 Q When you left the house that morning for
24 having being ticketed for having only a couple of life
25 jackets in a boat -- two rather than three or --

1 A Exactly.

2 Q -- three rather than four, did you expect
3 that you were going to be spending the day in jail?

4 A No. Not at all.

5 Q Did you ask to see Judge Sloop?

6 A Yes.

7 Q And what was the response?

8 A What did they tell me? His response was:
9 The judge is not available and we're carrying out the
10 judge's orders.

11 Q And that came from the Bailiffs?

12 A Yes.

13 Q And at the time that you spoke to the jail --
14 spoke to the Bailiff, did you believe that the Bailiffs
15 had the authority to speak to the judge?

16 A Yes.

17 Q Okay. Were you ever told otherwise?

18 A No.

19 Q What time were you released that night?

20 A I don't -- I'd say 10:00 or 11:00, somewhere
21 in there somewhere.

22 Q Do you know whether Judge Sloop had signed an
23 order for your release earlier?

24 A They told us that he didn't. It was another
25 judge that did it. At the jailhouse they told us that.

1 One of the -- one of the, I guess it was the -- he was
2 being real good about it, one of the people that work
3 in the jail that's kind of high up, you know.

4 Q Um-hum.

5 A Actually I think he was a colored guy that
6 said that. He's the one who told us he might --

7 Q He was -- but he was somebody up in the chain
8 of command?

9 A Yes.

10 Q And was he somebody who was keeping you
11 informed of what was going on?

12 A Yeah. A little bit. A little bit. I mean,
13 once he told us that that was that, you know, the rest
14 of the time we sat.

15 Q Did anybody else keep you informed of what
16 was going on?

17 A No.

18 Q Do you know for a fact who was it who ordered
19 you released whether it was Judge Sloop or somebody
20 else?

21 A It wasn't -- he told us it was a different
22 judge that overrode him.

23 Q Okay. You didn't see any -- who told you?

24 A I don't know who he was but it was one of the
25 Bailiffs.

1 Q It sounded -- the way it came out of your
2 mouth it sounded like Judge Sloop said that he was
3 overrode. You've never --

4 A Oh, no.

5 Q -- met Judge Sloop?

6 A No. Never.

7 Q Never seen him, never spoken to him?

8 A No.

9 Q And when you asked to see him in the
10 courtroom, you were told he was unavailable.

11 A Yes.

12 Q And that the Bailiff's were acting on the
13 judge's instructions?

14 A Exactly. Yes.

15 Q To this date you wouldn't know Judge Sloop if
16 you fell over him?

17 A Never have seen him in my life.

18 MS. ROSS: I don't have anything else. Thank
19 you.

20 CROSS EXAMINATION

21 BY MR. LUBET:

22 Q Mr. Roberts, my name is Marc Lubet. I'm the
23 Judge's attorney.

24 A Okay.

25 Q Our records show you were released around

1 9:41 at night? Is that --

2 A Yeah.

3 Q Could that be?

4 A Yeah. It was 10:00 or 11:00, you know --

5 Q Somewhere right in there?

6 A Exactly.

7 Q Okay.

8 A Yes.

9 Q When did you find out that an order had been
10 entered to release you?

11 A [No response]

12 Q Let me -- let me change the question
13 since --

14 A When we got out at eleven o'clock.

15 Q Well, let me change the question. I can do
16 cross examination.

17 Didn't you find out earlier that afternoon --
18 sometime that afternoon that somebody had entered an
19 ROR, released on your own recognizance, that afternoon?

20 A Yes.

21 Q And you found out that afternoon?

22 A Yes.

23 Q Okay. And, of course, I'm sure you were
24 sitting there wondering if somebody's ordered my
25 release on my own recognizance, why am I still sitting

1 here?

2 A Yes.

3 Q Okay. Do you have any idea approximately --
4 and I know its been a long time -- it's been almost a
5 year now. Do you have any idea approximately when you
6 were ordered released?

7 A [No response]

8 Q Or when you found out you had been ordered
9 released?

10 A I would say somewhere around -- somewhere
11 around 5:00-ish. I'm thinking, you know?

12 Q So you knew you were getting out?

13 A Around -- you know, I really didn't even know
14 I getting out. The guy that told us they were trying
15 to get a judge to override him is what it was. But
16 they never told us that they was overrode in -- yeah.
17 It was probably later on. That's right. Later on,
18 later on. They told us that about -- I'd say five or
19 six o'clock or something like that they told us all
20 that they were going to let us go on a R and R or
21 whatever you called it.

22 Q Nobody told you that around -- between 2:30
23 and four o'clock -- somewhere in that time period that
24 two different judges had entered orders for you to be
25 released?

1 A One. I heard that one did.

2 Q Okay.

3 A That's all I heard.

4 Q All right.

5 A And that was through one of the Bailiffs or
6 one of the people that work in the jail.

7 Q Okay. You said this -- how long ago -- you
8 mentioned you had been arrested before.

9 A Yes.

10 Q How many years ago was that? When was the
11 last time you were arrested?

12 A A couple years ago.

13 Q About two years ago?

14 A Yeah.

15 Q And what was that for; do you remember the
16 charge?

17 A Yeah. I do. But -- personal.

18 Q It was personal?

19 A Yeah.

20 Q Something you'd really rather not get into?

21 A Yeah. It's not a felony.

22 Q I understand that. Were you put in a
23 Seminole County Jail facility?

24 A Yeah.

25 Q Have all of your jail experience -- you said

1 you've had a couple jail experiences.

2 A Yes.

3 Q Were all of them --

4 A Misdemeanors.

5 Q -- in Seminole County?

6 A Yes.

7 Q I realize that getting strip-searched is
8 probably not much fun but had you ever been strip-
9 searched before?

10 A When I was a youngster maybe when I was about
11 18 years old. Not that time when I went to jail for
12 that -- that misdemeanor, no.

13 Q This last one you just bonded right out?

14 A Right. It was -- right. It was not -- it
15 was just a, you know -- no. They didn't strip-search
16 me.

17 Q And just -- you had a bond. You posted bond
18 and got out?

19 A Yeah. I think I had cash on me and did it
20 right there.

21 Q And Judge Sloop was not your judge on that?

22 A No.

23 Q I believe you said you've never seen Judge
24 Sloop?

25 A No.

1 Q Okay. So he didn't issue your ticket?

2 A No, sir.

3 Q He's not the one who took you over to the
4 jail?

5 A No.

6 Q He didn't strip-search you?

7 A No.

8 Q Okay.

9 A No.

10 Q Let me see something. Hold on just a second.

11 [Examining]

12 Did you personally ask to see the judge?

13 A Yes.

14 Q And who did you ask? That fellow you knew
15 from high school?

16 A Yes.

17 Q And what -- he came back and tell me exactly
18 what -- as best you can remember.

19 A He told us. He said the judge is not
20 available and -- and we asked: Well, why are you doing
21 this to us -- the rest of us like that?

22 And his exact words was: I'm carrying out
23 the judge's orders.

24 Q When you went to the courthouse, you had --
25 what I'm trying to figure out is -- strike that.

1 What I'm trying to figure out is this: Who
2 told you to go to the first courtroom you went to?

3 A The -- who I called when I got the card in
4 the mail --

5 Q Yeah.

6 A -- it told me to call the Seminole County
7 Courthouse. And I called them.

8 Q And they said go to courtroom A or B?

9 A Yeah. 1-A.

10 Q 1-A.

11 A Yeah. 1-A.

12 Q All right. And, in fact, you were supposed
13 to be in 1-B?

14 A Exactly.

15 Q Okay.

16 A They told me to go to 1-A.

17 Q When you walked into the courthouse --

18 A Uh-huh.

19 Q -- did you question anybody at the door there
20 about where you should go?

21 A Yes. I told them what I was here for and I
22 told them. They told me to go to -- they asked me what
23 I was here for and I told them the infraction, you
24 know, with the violation --

25 Q Right.

1 A -- and then I told them. They told me to go
2 to Courtroom 1-A and I told them what the infraction
3 was for, too, and they said that was the right
4 courtroom for this infraction.

5 Q That's -- okay. That's what I want to talk
6 to you about. That is the right courtroom for that
7 infraction but I don't know if you were aware of this
8 but if you got a ticket --

9 A Uh-huh.

10 Q -- like this, that you didn't pay within 30
11 days --

12 A Uh-huh.

13 Q -- it becomes a second-degree misdemeanor so
14 it's no longer an infraction.

15 A Uh-huh.

16 Q And that's why, at least it's my belief,
17 because I -- the information I have and you can correct
18 me if I'm wrong, is that the ticket was issued October
19 1st --

20 A Yeah. I think so.

21 Q -- and the arraignment was December 3rd which
22 was three months -- two months later.

23 A Okay.

24 Q Because it wasn't paid within 30 days.

25 A Right. Exactly.

1 Q So it became a misdemeanor.

2 A Exactly.

3 Q All right. So when you walked in and showed
4 them that ticket, they probably weren't wrong about
5 what they saw in front of their face by sending you to
6 Courtroom 1-A; correct?

7 A Yeah. Because I didn't have the ticket with
8 me.

9 Q Oh, you didn't have your ticket?

10 A Huh-uh.

11 Q Oh, I thought you said you did.

12 A Not when I went in there.

13 Q You sure?

14 A I had the card.

15 Q You had the card?

16 A Right.

17 Q Okay. But the -- the card didn't say 1-A?

18 A No. No.

19 Q How did you know that --

20 A They told me 1-A at the courthouse when I
21 called them.

22 Q Okay.

23 A The woman -- a woman answered.

24 Q So somebody told you since it's an infraction
25 it would be 1-A?

1 MS. ROSS: Object to form.

2 THE WITNESS: Yeah. I called down there.

3 You know, I got a card. It said, call this
4 number. I called this number and she said: You
5 need to go to Courtroom 1-A on -- before nine
6 o'clock on this date -- and that's what I did.

7 BY MR. LUBET:

8 Q All right. Then you -- did you show anybody
9 at the -- at the door when you went through the -- you
10 know, the metal detector there --

11 A Yes.

12 Q -- the security --

13 A Yes.

14 Q -- did you have anything to show anybody --

15 A I think I had the ticket.

16 Q Well, that's what I'm trying to get -- we
17 need to get that straight --

18 A I had it --

19 Q -- because now you changed the story on us.

20 MS. ROSS: Object to form.

21 BY MR. LUBET:

22 Q Did you have the ticket?

23 A Yeah. I had the ticket.

24 Q You had the ticket?

25 A Yeah.

1 Q Okay. And you showed them the ticket and
2 that's when they told you it was an infraction: Go to
3 1-A?

4 A Exactly. Yes.

5 Q Okay. All right. Nobody knew that or
6 realized that it had turned into a misdemeanor at that
7 point obviously?

8 A Yeah. Yes.

9 Q That's probably all I have. You're also
10 suing over this incident?

11 A Yes.

12 Q Suing Seminole County?

13 A Yes.

14 MR. LUBET: That's all I've got.

15 REDIRECT EXAMINATION

16 BY MS. ROSS:

17 Q When you went to the courthouse, you were
18 doing exactly what you were told to do; correct?

19 A Yes.

20 Q Okay. When you got to the door, you were
21 doing exactly what you were told to do?

22 A Yes.

23 Q At every step of the way you did --

24 A All the way down the hallway.

25 Q -- exactly what you were supposed to do?

1 A Yes.

2 Q Okay. And you got to the courthouse early?

3 A At least 20 minutes.

4 Q So you would be at the courthouse on time?

5 A Yes.

6 Q And you did -- from start to finish you did
7 everything that you were told to do that day?

8 A Yes.

9 Q And you ended up in jail?

10 A Yes.

11 Q Judge Sloop wouldn't come out and see you?

12 MR. LUBET: I'm going to object to that
13 question because that's presuming he was in the
14 courthouse and he didn't know if he was there or
15 not.

16 MS. ROSS: Well, I think we have established
17 that through other testimony so --

18 MR. LUBET: Okay. Go ahead.

19 BY MS. ROSS:

20 Q Assuming he was present in the courtroom, he
21 didn't come out to see you?

22 A No. He did not.

23 Q The Bailiff told you he was not available?

24 A Yes.

25 Q You were taken to jail?

1 A Yes.

2 Q And your infraction was not having
3 sufficient --

4 A One life jacket short on my airboat.

5 Q -- and for that you spent the day in jail and
6 were strip-searched?

7 A And got bent over and looked at.

8 MS. ROSS: Yeah. I don't have any other
9 questions.

10 MR. LUBET: I have nothing further.

11 MS. ROSS: Thank you.

12 THE WITNESS: Thank you.

13 MS. ROSS: Read or waive?

14 MR. HANKS: He'll read.

15 MR. LUBET: Mr. Roberts, on behalf of Judge
16 Sloop, I want to apologize.

17 THE WITNESS: Yes, sir.

18 MR. LUBET: And if this case settles up in
19 some way, you will certainly get an apology --

20 MS. ROSS: A personal apology.

21 MR. LUBET: -- personally from Judge Sloop.

22 THE WITNESS: Okay.

23 [Whereupon, the reading and signing of the
24 deposition was reserved.]

1 [Whereupon, the foregoing deposition was
2 concluded at 3:15 p.m.]
3 - - - - -

1 C E R T I F I C A T E

2 STATE OF FLORIDA:

3 COUNTY OF SEMINOLE:

4 I, Margaret L. Raeder, Certified Electronic
5 Reporter and Transcriber, Notary Public, State of
6 Florida at Large, do hereby certify that I reported the
7 deposition of DAVID W. ROBERTS, and that the said
8 witness was first duly sworn by me.

9 I further certify that the foregoing pages
10 numbered 3 through 36, inclusive, constitute a true,
11 complete and accurate transcript of said witness to the
12 best of my skill and ability.

13 I further certify that I am not of counsel
14 for, nor related to any party herein or attorney
15 involved herein, nor am I financially interested in the
16 outcome of this action.

17 WITNESS MY HAND AND OFFICIAL SEAL this 14th
18 day of November 2005.

19
20 MARGARET L. RAEDER, CERT*00245
21 Marge Raeder Court Reporter, Inc.
22 Electronic Reporter and Notary
23 Public, State of Florida at Large

1 SUBSCRIPTION OF DEPONENT

2 I, DAVID W. ROBERTS, have read the foregoing
3 deposition given by me on September 22, 2005, in
4 Altamonte Springs, Florida, and the following
5 corrections, if any, should be made in the
6 transcript:

7 PAGE LINE CORRECTION AND REASON

8 Subject to the above corrections, if any, my
9 testimony reads as given by me in the foregoing
10 deposition.

11 SIGNED this day of November 2005.

12
13 DAVID W. ROBERTS

14 Inquiry Concerning Judge John R. Sloop
15 Supreme Ct Case No. 05-555

